

IN THE HIGH COURT OF KARNATAKA AT BANGALORE

Dated this the 18th day of June 1998

B e f o r e

THE HON'BLE MR.JUSTICE CHANDRASHEKARAI AH

W.P.No:28966/97

Between:

Sri.Jayalakshmi Shishu vihar,
near Uttaradimat,
Uttaradimat road, Fort Mohalla,
Mysore-570 004, rep. by
its Secretary. ... Petitioner;

(By Sri. Y.K.Narayana Sharma)

AND:

The Mysore Urban Development
Authority (Formerly Mysore city
Improve Trust Board) rep. by
its Chairman, J.L.B.Road,
Mysore. ... Respondent;

(By Sri. P.S.Manjunath)

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Writ petition is filed under Arts.226 and 227 of
the Constitution praying to quash the order dated
20-12-96 (Annexure-N).

This petition coming on for preliminary hearing
in B group this day, the Court made the following:-

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O R D E R

18-6-1998

The petitioner was allotted a site bearing No.P-17 situate in Jayanagara Extension, Mysore. Since the petitioner has not taken ~~up~~ steps to construct within three years as per clause (5) of the agreement, [✓] the respondent issued a notice calling upon the petitioner to show cause why action should not be taken to cancel the allotment. Immediately, after the receipt of the said show cause notice the petitioner has filed his reply dated 25-9-1996. Thereafter, the respondent passed an order cancelling the allotment of site made in favour of the petitioner.

2. The learned counsel for the petitioner submitted that the petitioner has already taken steps to put up construction for the purpose of running the school. From the notice Annexure-N, I find that the respondent has not considered the cause shown by the petitioner under Annexure-J. Therefore, the order cancelling the allotment is not a speaking order and it is liable to be quashed.

3. Accordingly, writ petition is allowed. The order cancelling the allotment of site made in favour of the petitioner dated 20-3-1997 (AnnexureN)

is quashed and the matter is remitted to the respondent to reconsider the matter afresh after due notice to the petitioner.



Sd/-
JUDGE

Hsf.